

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHERYL BARAHONA and KUBA
OSTACHIEWCZ, on Behalf of Themselves
and Others Similarly Situated,

Plaintiffs,

v.

T-MOBILE USA, INC.,

Defendant.

No. 08-cv-1631 RSM

STIPULATION AND ORDER
REGARDING SCHEDULING OF CLASS
CERTIFICATION MOTION

WHEREAS Plaintiffs' Complaint for Damages and Injunctive Relief was filed on
November 7, 2008;

WHEREAS on January 9, 2009, Defendant T-Mobile USA, Inc. filed a motion to dismiss
the complaint for failure to state a claim upon which relief may be granted;

WHEREAS on February 2, 2009, Plaintiffs opposed Defendant's motion to dismiss and
on February 6, 2009, T-Mobile filed a reply in support of its motion to dismiss;

WHEREAS this Court has not yet issued a ruling on Defendant's motion to dismiss;

WHEREAS on March 19, 2009, Plaintiffs served their first request for production of
documents and a notice of deposition pursuant to Federal Rule of Civil Procedure 30(b)(6);

WHEREAS on April 20, 2009, Defendant served its responses and objections to
Plaintiffs' discovery. Therein, Defendant objects to substantively responding to all discovery

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1 based on the pendency of T-Mobile's motion to dismiss, asserting it would be a waste of the
2 parties' resources to engage in any discovery if this Court grants T-Mobile's motion;

3 WHEREAS the parties are in the process of conferring regarding the scope and timing of
4 discovery;

5 WHEREAS pursuant to Local Civil Rule 23(f)(3), Plaintiffs' motion for class
6 certification is due on May 6, 2009 which is 180 days after the filing of the complaint;

7 WHEREAS Plaintiff has not unduly delayed in serving discovery requests, but instead
8 has pursued and will continue to pursue discovery from Defendant; and

9 WHEREAS the discovery is relevant to Plaintiff's class certification motion;

10 IT IS STIPULATED AND AGREED by the parties through their undersigned counsel of
11 record that the deadline for Plaintiff's motion for Class Certification shall be extended to four
12 months from the date of this Court's ruling on Defendant's motion to dismiss.

13 Dated: April 27, 2009

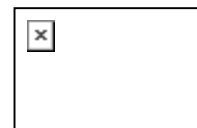
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11 Dated: April 27, 2009

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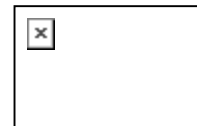
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ORDER

IT IS SO ORDERED.

DATED: April 29, 2009.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

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